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Anaconda Smelter
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ANACONDA SMELTER SITE
RESPONSIVENESS SUMMARY

NOTE: **EPA and the State are both signatories to these administrative orders. The Administrative Orders and work plans describe the consultative role that the State will maintain through out the RI/FS and EE/CA process. In this responsiveness summary, when EPA is mentioned, consultation with the State should be assumed.**

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Anaconda Smelter Site
RI/FS
Administrative Order On Consent
Docket No. CERCLA VIII-88-16

General Comments:

Comment: A concern expressed by a commentor is the economic problems that are perpetuated by having an area named a Superfund site.

Response: Superfund designation and identification of health or environmental issues may at times have a negative effect on the economy of an area. However, this is not always the case. When such effects are created, one of the most effective ways to address this concern is to support EPA and the State in moving as expeditiously as possible to remove any health/environmental threats. An accurate understanding of potential health and environmental problems can help minimize economic effects. EPA considers the provision of information on these Orders to be very important, EPA will strive to foster such an understanding. It should also be noted that the perceived cause of the negative economic effect may be in error. The real problem more likely centers around the presence of hazardous substances resulting from 100 years of smelting operations.

Comment: A commentor asked that the risk assessment be reported in clear and concise language.

Response: Because the endangerment assessments developed in support of the remedial investigation/feasibility studies and engineering evaluation/cost analysis must be able to support EPA's technical decision and withstand legal review, it is written in the terms of the experts who prepare it. However, EPA has always tried to summarize the key elements of the endangerment assessments and to convey them in fact sheets in language which uses laymen's terminology.

Comment: A commentor asked that the public be involved early on in the alternative formulation process.

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Response: Early in the remedial investigation/feasibility study process a preliminary scoping document may be released called a preliminary alternative screening document. EPA would welcome public comment at this point.

Comment: The text was very incomplete [referring to the administrative orders and work plans addressed by this responsiveness summary] and has the appearance of avoiding important health questions.

Response: EPA will address the specific health issues associated with the Anaconda Smelter NPL site in operable unit-specific endangerment assessments. The commentor is referred to the Endangerment Assessment/Public Health Evaluation for Mill Creek, Montana (available at the Hearst Free Library) for the level of detail that will be provided.

Comment: A request was made to extend the public comment period to 45 days for all of the documents that were released for public review (i.e., the administrative orders and work plans mentioned in this responsiveness summary).

Response: EPA extended the public comment period for the Old Works engineering evaluation/cost analysis to 21 days. This is considered to be an adequate time frame for soliciting comments on these types of documents. Soliciting comments on Orders and work plans after they have been negotiated with the potentially responsible party (ARCO) is not standard EPA procedure; however, it was considered appropriate for these projects because of the high level of public interest in the community. Future opportunity for comment will be provided as the draft RI/FS documents become available.

Anaconda Smelter NPL Site
General Work Plan

No specific comments were received.

Smelter Hill Operable Unit
RI/FS
Work Plan

No specific comments were received.

Flue Dust Operable Unit
RI/FS
Work Plan

Comment: A commentor stated that bees kept in a nearby commercial apiary can not tolerate any exposure to flue dust.

Response: The Flue Dust Sampling and Analysis Plan specifies that the flue dust piles will be sampled with minimum disturbance to the piles. Surfactant spray will be available during sampling to curtail flue dust emissions should they occur. Areas disturbed on flue dust piles during sampling will be stabilized each night before leaving the area.

Anaconda Smelter Site
Old Works & Community Soils
Operable Units
Engineering Evaluation/Cost Analysis
Administrative Order On Consent
Docket No. CERCLA VIII-88-06

Old Works Operable Unit
Engineering Evaluation/Cost Analysis
Work Plan

Comment: The one week public comment period is too short.

Response: The comment period was extended to a full three weeks.

Comment: Based on a tour of the Old Works Area a commentor expressed concern regarding a crystalline substance which appeared to be an evaporite being deposited on the face of red sands tailings deposits. A request was made to map these deposits and analyze this material using crystallography, EP toxicity, and total metal analytical methods.

Response: Evaporative salts have been observed on the face of several deposits in the Old Works Area. It appears that ions may be solubilized as leachates percolate through the waste materials. As the leachates discharge at the waste pile face, evaporation occurs leaving a salt crust. This salt is likely to be soluble, with the potential to be mobilized during precipitation events. EPA and ARCO agree that these salt deposits should be mapped and that samples of this

material will be taken during the EE/CA. The upcoming sampling and analysis plans will detail the mapping and sampling procedures associated with this material. All samples will be analyzed using the total available (nitric peroxide) extraction procedure specified for solid matrix samples in the Anaconda Smelter Lab Analytical Protocol. Analyses will also be performed on approximately five samples using x-ray diffraction (to assess the mineral salts present), and EP toxicity extraction procedures (to assess the approximate solubility of the salts).

Comment: In reference to paragraph IX.R of the Order and Section 1.1.4 of the Work Plan, we request that Section 1.1.4 of the Work Plan be amended to reflect the initiation of the Administrative Record.

Response: EPA guidance requires that the administrative record be made available to the public at the beginning of the EE/CA process, and be developed during the course of the EE/CA process. Accordingly, an administrative record for the Old Works EE/CA is available. EPA has developed an inventory of the Administrative Record documents currently available. As milestones are reached during the process, the public will be apprised of the supporting documentation that EPA is relying on through contemporaneous additions to the Administrative Record.

Comment: A commentor requested that EPA provide the basis for the determination of confidentiality for documents listed as confidential in the administrative record.

Response: The very nature of confidential documents is that the essence (or basis for being confidential) of the document cannot be revealed. EPA will maintain a list of the small number of confidential documents (usually attorney work-product, attorney client, or litigation strategy confidential) that will be relied upon by EPA. These documents will be maintained in a confidential portion of the Administrative Record.

Comment: A request was made that all confidential documents be made available after the deletion of the passages requiring protection.

Response: Frequently documents that are identified as confidential, are designated as such with respect to the entire document. As mentioned previously, these documents commonly involve attorney client or attorney work-product communications, or litigation strategies. If documents are identified as confidential in part, EPA will make the documents available following redaction of the confidential sections.

Comment: A commentor requested that Administrative Record documents be filed every two weeks and that new documents be indicated.

Response: EPA will attempt to make all major documents that are being relied upon for decisions available to the public contemporaneously with progress during the EE/CA. Administrative Record documents will usually be filed as milestones are crossed during the process. EPA will make an index of these documents available to the public. Administrative record documents may be copied to individuals who provide a written request to the Helena EPA Office (Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626).

Comment: A commentor requested that a duplicate of the Old Works o.u. Administrative Record be located at the Missoula City/County Library, which is a depository for documents for the Silver Bow Creek NPL site.

Response: EPA will maintain a complete Administrative Record in the EPA docket room in Helena, Montana. In addition, the Administrative Record index and other major documents of concern are kept on file at the Hearst Free Library in Anaconda. EPA will also file four copies of major documents and the administrative record index with the State Library. The State Library will keep a copy of these documents in the library in Helena and transmit additional copies to the libraries at Montana State University, the University of Montana, and the Montana School of Mineral Science and Technology. In addition, interested parties may make written requests for administrative record documents (from the document index) to EPA at the above address.

Comment: The last sentence on page 3 of the Work Plan under Section 1.1.2 makes reference to an approval memorandum. Please describe the approval memorandum and indicate where a copy can be reviewed.

Response: The reference to the approval memorandum on page 3 is in error. An approval memorandum is an internal EPA document that is presented to management prior to the Agency's decision to proceed with a fund lead EE/CA. In the circumstances surrounding the Old Works Community Soils Consent Order, EPA, in consultation with the State, and ARCO reached agreement concerning the engineering evaluation/cost analysis work plan, thereby negating the need for an approval memorandum. Although EPA had initiated steps to assure that adequate funding was available to conduct the engineering evaluation/cost analysis in the event that negotiations with the potentially responsible party

(ARCO) were unsuccessful, an approval memorandum was never completed.

Comment: The work plan states on page 23, "The final selection of removal actions shall include consideration of how the action would best contribute to the efficient performance of the remedial action to be taken at a later date. This consideration has the goal of avoiding the need for removal restarts by considering the long-term cleanup plan for the site when the removal action is being designed." Please describe the long term cleanup plan including its salient goals and objectives. How will the removal action interface and contribute to the long term cleanup plan? Where may a copy of the long term cleanup plan be obtained?

Response: At present there is no long term cleanup plan. The CERCLA process involves a sequence of steps which: evaluate the nature and extent of contamination, determine the health and environmental risks associated with the wastes, evaluate possible cleanup alternatives and consider public input before making a decision concerning what the appropriate remedial action might be. Section 104(a)(2) of CERCLA states that, "Any removal action ... should to the extent ... practicable, contribute to the efficient performance of any long term remedial action with respect to the release or threatened release concerned." The statements quoted from the work plan were expressed to acknowledge this legal requirement. Therefore, as the removal process moves toward a selection of a response activity specific consideration must be given to this legal requirement to contribute to the efficient performance of any long term remedial action in the Old Works Area that will be addressed under a subsequent RI/FS.

Comment: On page 24, reference is made to two types of ARARs. Concern was expressed regarding "action-specific" ARARs because they are identified late in the process after the removal alternatives have been identified during the analysis of removal action alternatives. Additional concern regarding ARARs was expressed in the context of ARARs being clean up requirements that should be determined considering requirements that would assure protection of human health and the environment. How can removal alternatives be identified before ARARs are provided? What will be the result if the alternatives will not meet the action-specific ARARs? Please explain exactly what action-specific ARARs are and the role they will play.

Response: For ease of identification, EPA divides ARARs into three categories: chemical-specific, location-specific,

and action-specific ARARs. Chemical-specific ARARs are usually health- or risk-based numerical values or methodologies which, when applied to site-specific conditions, result in the establishment of numerical values. These values establish the acceptable amount or concentration of a chemical that may remain in or be discharged to , the ambient environment.

Location-specific ARARs generally are restrictions placed upon the concentration of hazardous substances or the conduct of activities solely because they are in special locations. Some examples of special locations include floodplains, wetlands, historic places, and sensitive ecosystems or habitats. These types of ARARs will be identified early in the process, prior to the formulation of removal alternatives.

Action-specific ARARs are usually technology- or activity-based requirements or limitations on actions taken with respect to hazardous wastes, or requirements to conduct certain actions to address particular circumstances at a site. By their very nature (i.e., association with a specific cleanup approach), action-specific ARARs are identified after removal alternatives are identified.

Comment: What is meant by the use of the phrase "total concentrations" on page 52. Does the phrase refer to those constituents which are measured in an unfiltered sample after rigorous digestion, or to the sum of the dissolved fraction plus those constituents retained by a 0.45 micrometer filter? If the phrase "total concentrations" refers to what is commonly called "total recoverable", please explain why.

Response: EPA currently recommends that water samples be analyzed using total recoverable procedures when comparing to the criteria for aquatic organisms. These procedures will be specified as the lab protocol in the sampling and analysis plan that will be provided to EPA.

Comment: It would be valuable if stream loadings would be determined for all constituents.

Response: At the time water quality samples are collected flow measurements will be taken (see page 51 of the work plan). By taking flow and quality measurements simultaneously, loadings may be determined.

Comment: On page 52 it is stated that TDS shall be determined. Total Suspended Solids (TSS) should also be determined, so that mass loadings and inputs into the Clark Fork river may be calculated.

Response: Measurement of total suspended solids (TSS) is an appropriate means to apportion relative contributions of suspended solids from various flow reaches under varying flow conditions. TSS is currently being measured by the U.S.G.S. at Turah, Philipsburg and Perkins Lane. Measurement for TSS in the Warm Springs Creek drainage will help apportion the contribution of suspended sediment to the Clark Fork River. TSS will therefore be included as a measurement parameter that will be specified in the sampling and analysis plan for the Old Works EE/CA.

Comment: On page 63, it is stated, "This [sampling] process shall continue until contaminant concentrations of all perimeter samples are sufficiently low as determined by EPA." What criteria will EPA use to determine that concentrations are sufficiently low?

Response: The portion of the work plan referred to is the sampling effort that will be used to identify wastes that should be addressed as a removal activity (as opposed to a remedial investigation/feasibility study under the remedial program). EPA and the State are most interested in identifying higher contaminant level wastes which should be addressed under a shorter time frame. Wastes which would be considered to be at a higher level of contamination on the Anaconda Smelter site would generally contain several hundred parts per million arsenic, cadmium, copper, lead, zinc to concentrations exceeding the percent level. Background levels of these elements have also been researched for the soils in the vicinity of the Anaconda Smelter site and arsenic levels in the 9 to 16 part per million range are considered normal for the area (i.e., prior to the smelter). Soils which fall within or below this range would not be addressed under Superfund clean up activities. EPA, in consultation with the State, would use these general ranges of arsenic and heavy metal concentrations in soils as a guide to identifying wastes of greatest concern in the Old Works area.

Comment: A commentor questioned why local people are not utilized for the studies and clean up work?

Response: EPA has limited ability to contract work out for the Old Works investigations. The Atlantic Richfield Company is responsible for selection of contractors for this effort. EPA currently utilizes an Anaconda resident as a community relations coordinator. In the future as corrective action is implemented local firms may compete for the contracts that are released for bid. It is likely that this contracting will also be handled by ARCO.

Comment: A commentor requested that the Anaconda-Deer Lodge Environmental Advisory Council be reactivated.

Response: The County's Environmental Council has been a group that the EPA has communicated with in the past. This group was appointed by the County Commissioners. Many affected residents felt that this group did not represent their concerns. As a result the EPA found a need to hold additional meetings to meet with other community and neighborhood groups. Given the limited amount of staff time, EPA prefers to meet with the public as a whole when something significant occurs at the site. It is up to the County to determine if they would like an advisory council to be present at these meetings.